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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,321	03/06/2002	Giampaolo Lauria	POU920010126US1	9007
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FLEIT, KAIN, GIBBONS, GUTMAN, BONGINI & BIANCO P.L. ONE BOCA COMMERCE CENTER 551 NORTHWEST 77TH STREET, SUITE 111 BOCA RATON, FL 33487			EXAMINER LU, KUEN S	
			ART UNIT 2167	PAPER NUMBER

DATE MAILED: 09/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/092,321

Applicant(s)

LAURIA ET AL.

Examiner

Kuen S. Lu

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendments*

1. The Action is responsive to the Applicant's Amendments, filed on June 21, 2005.
2. Concerning the Applicant's Remarks on claim rejections, filed on June 21, 2005, has been fully considered by the Examiner, please see discussion in the section ***Response to Arguments***, following the Office Action for Final Rejection (hereafter "the Action") as shown next.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 4-6, 9-11, 13-14, 16-18 and 20-21 are rejected are rejected under U.S.C. 102(b) as anticipated by iNews (Avstar Newsroom Computer System Operations Manual, Version 1.3, October 3, 2000, hereafter "iNews").

As per claims 1,11 and 18, iNews teaches the following:

"receiving a maintenance schedule that specifies that a file system maintenance process is to be performed periodically or continuously" (See Pages 5-3, 1-10 and 19-3

wherein iNews' maintenance of database of directories of stories is performed periodically and the iNews system monitors and automatically runs program to purge old stories when free storage space is low is equivalent to Applicant's receiving a maintenance schedule that specifies that a file system maintenance process is to be performed periodically or continuously);

"receiving a usage goal that defines the amount of free disk space on a target that is to be attained when the file system maintenance process is performed, the target comprising at least a portion of a file system" (See Pages 1-10, 19-3, 19-4 and 11-20 wherein iNews' free storage space is maintained between high and low watermarks which are preset in the system file is equivalent to Applicant's receiving a usage goal that defines the amount of free disk space on a target that is to be attained when the file system maintenance process is performed, the target comprising at least a portion of a file system);

"automatically performing the file system maintenance process periodically or continuously according to the maintenance schedule to attain the amount of free disk space on the target that is defined by the usage goal" (See Pages 5-3, 1-10, 19-3 19-4 and 11-20 wherein iNews' free storage space is maintained between high and low watermarks which are preset in the system and maintenance of database of directories of stories is performed periodically and the iNews system monitors and automatically runs program to purge old stories when free storage space is low is equivalent to Applicant's automatically performing the file system maintenance process periodically o

continuous according to the maintenance schedule to attain the amount of free disk space on the target that is defined by the usage goal),

“the file system maintenance process comprising the steps of:

selecting files from the target for deletion so as to achieve a predetermined the usage goal” (See Page 5-40 wherein iNews’ Purge section allows user to set the reoccurrence schedule and the purge interval for purging a queue is equivalent to Applicant’s selecting files from the target for deletion so as to achieve a predetermined the usage goal); and

“deleting the files that were selected” (See Page 5-40 wherein iNews’ Purge section allows user to set the reoccurrence schedule and the purge interval for purging a queue, and the interval determines how old stories in a queue are purged is equivalent to Applicant’s deleting the files that were selected).

As per claim 4, iNews teaches “wherein the usage goal defines a percentage of free disk space on the target that is to be attained, or a total amount of free disk space on the target that is to be attained” (See Pages 1-10, 19-3, 19-4 and 11-20 wherein iNews’ free storage space is maintained between high and low watermarks which are preset in the system file is equivalent to Applicant’s wherein the usage goal defines a percentage of free disk space on the target that is to be attained, or a total amount of free disk space on the target that is to be attained).

As per claims 5, 13 and 20, iNews teaches "wherein the usage goal defines a percentage by which to reduce usage of the file target, or an amount by which to reduce usage of the target" (See Pages 1-10, 19-3, 19-4 and 11-20 wherein iNews' free storage space is maintained between high and low watermarks which are preset in the system file is equivalent to Applicant's wherein the usage goal defines a percentage by which to reduce usage of the file target, or an amount by which to reduce usage of the target).

As per claim 6, iNews teaches "wherein in the step of receiving the usage goal, the usage goal is received from a user" (See Pages 1-10, 19-3, 19-4 and 11-20 wherein iNews' free storage space is maintained between parameters of high and low watermarks which are the usage goals preset by the user in the system file is equivalent to Applicant's wherein in the step of receiving the usage goal, the usage goal is received from a user).

As per claims 14 and 21, iNews teaches "wherein in the step of receiving the usage goal, the usage goal is received from a user" (See Pages 1-10, 19-3, 19-4 and 11-20 wherein iNews' free storage space is maintained between parameters of high and low watermarks which are the usage goals preset by the user in the system file is equivalent to Applicant's wherein in the step of receiving the usage goal, the usage goal is received from a user).

As per claims 9 and 16, iNews teaches "receiving the maintenance schedule, the maintenance schedule is received from a user" (See Page 5-40 wherein iNews' allowing user to set the reoccurrence schedule for purge a queue is equivalent to Applicant's receiving the maintenance schedule, the maintenance schedule is received from a user).

As per claims 10 and 17, iNews teaches "wherein the maintenance schedule specifies that the file system maintenance process is to be performed automatically at a defined periodic interval" (See Page 5-40 wherein iNews' allowing user to set the reoccurrence schedule for purge a queue is equivalent to Applicant's wherein the maintenance schedule specifies that the file system maintenance process is to be performed automatically at a defined periodic interval).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 2-3, 12 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over iNews (Avstar Newsroom Computer System Operations Manual, Version 1.3, October 3, 2000, hereafter "iNews"), as applied to claims 1, 11 and 18 above, and further in view of Yoshida et al. (U. S. Patent 6,401,121, hereafter "Yoshida").

As per claims 2, 12 and 19, iNews teaches a system maintenance process sub-steps of "sorting the files using a sorting algorithm to produce a sorted list of files" (See Pages 5-27 – 5-30 wherein iNews' queues of stories are sorted by sort field is equivalent to Applicant's sorting the files using a sorting algorithm to produce a sorted list of files) and until "deletion of the selected files would achieve the usage goal" (See Pages 5-3, 1-10, 19-3 19-4 and 11-20 wherein iNews' free storage space is maintained between high and low watermarks which are preset in the system and maintenance of database of directories of stories is performed periodically and the iNews system monitors and automatically runs program to purge old stories when free storage space is low is equivalent to Applicant's until deletion of the selected files would achieve the usage goal).

iNews does not specifically teach a system maintenance process sub-step of "selecting files beginning at the top of the sorted list".

However, Yoshida teaches "selecting files beginning at the top of the sorted list" for deletion (See col. 9, lines 22-38, col. 11, lines 52-60 and col. 12, lines 1-31 col. 9, lines 22-38 wherein Yoshida's combining teachings of less frequently accessed files are automatically deleted).



It would have been obvious to one having ordinary skill in the art at the time of the applicant's invention was made to combine Yoshida's teaching with iNews reference by pre-scheduling the file selection and deletion steps of file system management because both references are devoted to file system maintenance and storage management, and the combined reference would have enabled Yoshida's system to further achieve the object of reducing the manpower required to perform the file system maintenance and storage management administration functions.

As per claim 3, Yoshida further teaches "sorting algorithm sorts files by file creation date or file size" (See col. 11, lines 52-60 and col. 12, lines 1-31 wherein Yoshida's combining teachings of less frequently accessed files are selected for deletion to meet the storage remaining capacity and server of smallest count of data transmission is determined suggests sorting algorithm sorts files by file creation date or file size).

7. Claims 7-8, 15 and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over iNews (Avstar Newsroom Computer System Operations Manual, Version 1.3, October 3, 2000, hereafter "iNews"), as applied to claims 1, 6, 11, 13-14, 18 and 20-21 above, and further in view of Huber (U.S. Patent 6,584,551).

As per claims 7, 15 and 22, iNews teaches the step of receiving the usage goal, the usage goal is received from a user for a whole system as previously described in claims 14 and 21 rejection.

iNews does not specifically teach identifying a portion of the system as specifically described in “receiving a selection of the target from the user, the target including a main target identifying a portion of the file system that is to be maintained”.

However, Huber teaches “receiving a selection of the target from the user, the target including a main target identifying a portion of the file system that is to be maintained” (See col. 2, lines 22-40 wherein Huber’s allowing a user to define various storage parameters such as storage volume, storage increase threshold and maximum size of storage volumes suggesting user’s capability to select devices for specific storage volume for meeting the requirements of various storage parameters, including the main target for storage management, including files selection and deletion is equivalent to Applicant’s receiving a selection of the target from the user, the target including a main target identifying a portion of the file system that is to be maintained).

It would have been obvious to one having ordinary skill in the art at the time of the applicant’s invention was made to further combine Huber’s teaching with iNews reference by allowing user to conveniently setting the thresholds of storage increase or decrease in terms of percentage of a maximum storage volume because the references are devoted to file system maintenance and storage management, and the combined reference would have enabled iNews’ system to automatically and flexibly expand its capacity such that the manpower required to perform the file system maintenance and storage management administration functions could have been further reduced.

As per claims 8 and 23. Huber further teaches "wherein the target further includes at least one additional target, each additional target identifying another portion of the file system that is to be maintained" (See col. 2, lines 22-40 wherein Huber's allowing a user to define various storage parameters such as storage volume, storage increase threshold and maximum size of storage volumes suggesting user's capability to select devices for specific storage volume for meeting the requirements of various storage parameters, including the additional target for storage management, including files selection and deletion is equivalent to Applicant's wherein the target further includes at least one additional target, each additional target identifying another portion of the file system that is to be maintained).

**8. The prior art made of record**

U. iNews (Avstar Newsroom Computer System Operations Manual, Version 1.3, October 3, 2000, hereafter "iNews")

A. U. S. Patent No. 6,401,121

E. U. S. Patent No. 6,584,551

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

B. U. S. Patent No. 6,249,792

C. U. S. Publication 2003/0110190

D. U. S. Patent No. 5,930,514

**Response to Arguments**

9. As to Applicant's Arguments, filed on June 21, 2005, with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

**Conclusions**

10. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

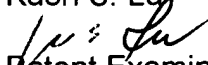
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

**Contact Information**


11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuen S. Lu whose telephone number is 571-272-4114. The examiner can normally be reached on 8 AM to 5 PM, Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kuen S. Lu  
  
Patent Examiner

September 13, 2005

  
Mohammad Ali

Primary Examiner

September 13, 2005